

The Annual Town Meeting was held on Wednesday, May 8, 2024, at the South Hadley High School auditorium at 153 Newton Street, South Hadley MA. True and attested copies of the warrants were posted by Constable, David J. Labrie in five of the town's voting precincts. Copies of the warrants were sent out electronically to town meeting members on Monday, April 22, 2024. All additional local by-law requirements were met prior to hosting this meeting.

The meeting was called to order at 6:34 pm by Town Moderator, John Hine.

There were eighty-nine present out of one hundred and twenty qualified members.

David Isakson was elected to a five-year term ending in 2029 to the Redevelopment Authority.

A four-year term for the Redevelopment Authority received no nominations and remained vacant.

The following business occurred:

ARTICLE 1: HEAR REPORTS

Article Passed. Majority Vote Required.

Recorded Vote: Yes – 82, No – 1, Abstain – 3, No Vote – 3

The Town voted to hear the reports of the Town Officers, Board and Committees. Moderator John Hine, in their role as Chair of the Town Meeting Review Committee, spoke briefly to the final report which was submitted to the Selectboard prior to the Annual Town Meeting. The committee developed recommendations that fall within four areas of concern:

- 1) Access to information
- 2) Town Meeting accountability and communication with constituents
- 3) Town Meeting itself and concerns expressed in the surveys
- 4) Town bylaws and changes to codify roles and responsibilities of Town Meeting, Boards and Committees and Administration

Consent Calendar (Articles 2-9)

Recorded Vote: Yes – 84, No – 2, Abstain – 2, No Vote – 1

The Town voted Articles 2-9 as a single consent article.

ARTICLE 2: BORROW

The Town voted to authorize the Treasurer is authorized to borrow in anticipation of revenue in accordance with G. L. Chapter 44, Sections 4 and 17, with the approval of the Selectboard.

ARTICLE 3: BANKING AGREEMENTS

The Town voted to authorize the Treasurer, with the approval of the Selectboard, is authorized to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during Fiscal Year 2025, as permitted by G.L. Chapter 44, Section 53 (F).

ARTICLE 4: DEFEND AGAINST SUITS

The Town voted that the Selectboard is authorized to defend all suits that may be brought against the Town during Fiscal Year 2025 and to prosecute all suits on behalf of the Town, to engage counsel for same, and to settle such suits as they deem advisable.

ARTICLE 5: APPLY/ACCEPT FEDERAL, STATE GRANTS

The Town voted that the Selectboard is authorized to apply for and accept such federal or state grants or monies as may be available and further the Selectboard is authorized to expend any funds received there from in accordance with the terms of said grants.

ARTICLE 6: CHAPTER 90 HIGHWAY FUNDS

The Town voted to accept the money for highway improvements under the authority of Massachusetts General Laws Chapter 90 and other applicable law; and further authorize the Selectboard to apply for, accept, expend and borrow in anticipation of state aid for such projects or determine whether the money shall be provided by the tax levy, by transfer from available funds or by any combination of these methods.

ARTICLE 7: ELECTIVE OFFICER SALARIES

The Town voted to fix the salary and compensation of the following elective officers of the Town of South Hadley during Fiscal Year 2025 as provided by G.L. Chapter 41, Section 108: Moderator \$500, Selectboard Members \$2,000 each, and Assessors \$2,500 each.

ARTICLE 8: REVOLVING FUNDS

The Town voted to authorize the total expenditures for the Revolving Funds pursuant to G.L. Chapter 44, Section 53E ½ for the Fiscal Year beginning July 1, 2024 to be expended in accordance with Chapter 65 - 5 of the town bylaws as set forth in the Warrant.

ARTICLE 9: CONTRACTS OVER 3 YEARS

The Town voted that the Selectboard and School Committee may enter into contracts in excess of 3 years in Fiscal Year 2025 pursuant to G.L. Chapter 30B, Section 12.

ARTICLE 10: OPERATING BUDGET

Article Passed. Majority Vote Required.

Recorded Vote: Yes – 69, No – 12, Abstain – 5, No Vote – 3

The Town voted to raise and appropriate the sum of \$56,405,051 for the Fiscal Year 2025 Operating Budget as described in Appendix A and further funded through the following means; \$50,390,442 to be raised through taxation; \$530,063 from Unreserved Free Cash; \$3,000 from Boat Excise; \$23,000 from the Dog Agency Fund; \$26,200 from State Aid to Libraries; \$2,000 from the Conservation Wetland Fund; \$166,591 from the Cable Studio Account; \$2,209,649 from WWTP Enterprise Receipts; \$1,410,344 from Landfill Enterprise Receipts; \$50,000 from Landfill Enterprise Fund Retained Earnings; and \$1,593,762 from Ledges Golf Club Enterprise Receipts in the total amount of \$56,405,051 and approve the Operating Budget as set forth and therefore presented as a balanced budget.

ARTICLE 11: CAPITAL BUDGET**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 77, No – 10, Abstain – 0, No Vote – 2**

The Town voted to approve the transfer of \$930,000 from Unreserved Free Cash and the sum of \$20,000 from the Cable Studio Account for a total of \$950,000 to fund the capital budget as set forth in the Warrant and shown in the below table:

Fiscal Year 2025	Capital Request Detail	Request
Cable	Video cameras for field use	\$20,000
DPW	Parks Barn furnace	\$15,000
DPW	replacement of Pearl St. Elmer Brook culvert	\$375,000
DPW	shade tree management plan	\$40,000
DPW	replace exmark mowers 2019	\$20,000
DPW	wrist attachment mini-x	\$25,000
DPW	replace infield groomer 2008	\$24,000
Facilities	mini-splits Town Hall school dept.	\$50,000
Library	HVAC and roof repairs	\$15,000
Police	replace fire alarm panel and devices	\$25,000
Police	2 vehicle replacement	\$135,000
Police	replace 4 computers	\$10,000
School-all schools	safety upgrades	\$50,000
School-High School	HVAC building automation upgrades	\$100,000
School-High School	roof thermal study	\$8,000
School-High School	conceptual designs concession, parking, egress	\$38,000

ARTICLE 12: WASTEWATER CAPITAL BUDGET**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 83, No – 1, Abstain – 1, No Vote – 4**

The Town voted to transfer the sum of \$400,000 from WWTP Enterprise Fund Receipts and the sum of \$202,000 from WWTP Enterprise Retained Earnings for a total of \$602,000 to make purchases, repairs, or replacements as set forth in the Warrant and shown in the below table:

Fiscal Year 2025	Capital Request Detail	Request
WWTP	Transformer upgrade Main St. pump station	\$52,000
WWTP	Main St. bypass	\$500,000
WWTP	Channel grinder #2	\$50,000

ARTICLE 13: LEDGES CAPITAL BUDGET**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 80, No – 5, Abstain – 2, No Vote – 2**

The Town voted to transfer from Ledges Retained Earnings the sum of \$150,000 to make capital purchases, repairs, and replacements.

ARTICLE 14: LANDFILL CAPITAL BUDGET**No Motion Made.**

The Selectboard and Capital Planning Committee wished to defer action on this article. As such there was no motion.

ARTICLE 15: LEDGES FARM TAX**Article Passed. 2/3 Vote Required.****Recorded Vote: Yes – 87, No – 1, Abstain – 0, No Vote – 1**

The Town voted to transfer the sum of \$40,000 from the Ledges Farm Tax Account for the purchase of an Agricultural Preservation Restriction on approximately 158 acres of farmland belonging to the Estate of Yvonne Lauzier off Alvord St (a portion of Map 42, Lots 10, 11A & 12 & Map 43 Lots 24, 25 & 26), to be held by the Massachusetts Department of Agricultural Resources, and further to authorize the Selectboard to facilitate said purchase and execute any and all documents necessary to effectuate same.

ARTICLE 16: SOUTH HADLEY ELEMENTARY BUILDING PROJECT**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 79, No – 6, Abstain – 2, No Vote – 2**

The Town voted to appropriate the amount of \$2,069,465 for the purpose of paying costs of a feasibility study for the Mosier Elementary School, located at 101 Mosier Street, South Hadley, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. And to pay for said appropriation, the Town voted to transfer the sum of \$1,469,465 from the Mosier Stabilization Fund and transfer the sum of \$600,000 from Free Cash for a total appropriation of \$2,069,465. The Town acknowledged that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

ARTICLE 17: ELIMINATE OPIOID STABILIZATION FUND**Article Passed. 2/3 Vote Required.****Recorded Vote: Yes – 80, No – 4, Abstain – 0, No Vote – 5**

The Town voted to dissolve the Opioid Stabilization Fund and transfer the funds to a special fund established pursuant to Chapter 77 of the Acts of 2023, Section 9.

ARTICLE 18: WIDOW EXEMPTION ASSET LIMIT INCREASE**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 83, No – 1, Abstain – 0, No Vote – 5**

The Town voted to accept G.L. Chapter. 59, Section 5, Clause 17E, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2024.

ARTICLE 19: WIDOW EXEMPTION INCREASE**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 81, No – 2, Abstain – 1, No Vote – 5**

The Town voted to accept G.L. Chapter 59, Section 5, Clause 17F, a local option, which authorizes an annual increase in the amount of the exemption granted to certain senior citizens, surviving spouses and surviving minors under G.L. Chapter 59, Section 5, Clause 17D, by up to 100% of the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) for the previous year as determined by the Commissioner of Revenue, and to fix that annual increase at 2.5% over the last year's exemption amount or 100% of the CPI, whichever is less to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2024.

ARTICLE 20: BLIND EXEMPTION INCREASE**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 80, No – 2, Abstain – 1, No Vote – 6**

The Town voted to accept G.L. Chapter 59, Section 5, Clause 37A, to increase the exemption to \$500 from the current amount of \$437.50.

ARTICLE 21: BYLAW REVIEW COMMITTEE BYLAW AMENDMENTS**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 81, No – 3, Abstain – 0, No Vote – 5**

The Town voted to amend Chapter 7 § 18 of the General bylaws as follows (new text in **bold**; removed text ~~crossed-out~~);

§ 7-18. Bylaw Review Committee.

B. A. Membership and term.

The Bylaw Review Committee shall consist of up to seven members, with a quorum consisting of a simple majority duly appointed, each of whom shall be appointed for a term of three years. **The Town Clerk and Town Administrator may advise the Committee as needed.**

~~A.~~ B. Duties.

- (1) The Bylaw Review Committee shall meet as needed to review and recommend new bylaws or amendments to ~~these~~ **the General Bylaws.**

- a. Wherever practical, the Town Administrator shall submit to the Committee all proposed amendments or additions to the General Bylaws prior to their inclusion in the warrant for any Town Meeting. The Committee shall meet and review all such proposed amendments and additions and shall report to the Selectboard its recommendations as to their form and consistency with existing provisions of the General Bylaws and as to their placement in the General Bylaws.
 - b. Wherever practical, the Committee Chair, or some members of the Committee designated by the Chair, shall provide a written report thirty (30) days prior to the date of the annual town meeting and fifteen (15) days prior to the date of a special town meeting to communicate such recommendations, if any, as the Committee shall consider appropriate with respect to any article in the warrant which proposes an amendment or addition to the General Bylaws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.
 - c. The Committee may propose to the Selectboard for inclusion in the warrant for the next Town Meeting any amendments or additions to the General Bylaws which the Committee determines should be made so as to resolve inconsistencies with other provisions or with applicable law.
- (2) The Committee may consult with Town Counsel as to the legality of any provision or proposed provisions of the General Bylaws.
 - (3) Failure to observe any provision of this section shall not affect the validity of any change in the General Bylaws which has been duly adopted by vote of the Town Meeting.

ARTICLE 22: CAPITAL PLANNING COMMITTEE BYLAW AMENDMENT

Article Passed. Majority Vote Required.

Recorded Vote: Yes – 85, No – 0, Abstain – 0, No Vote – 4

The Town voted to amend Chapter 7 § 26 of the General bylaws as follows (new text in **bold**; removed text ~~crossed out~~);

§ 7-26 Capital Planning Committee.

- A. Membership and term. The Capital Planning Committee will consist of nine members, each of whom shall be appointed for a three-year term, and shall consist of three individuals appointed by the Selectboard, two members appointed by the School Committee, three individuals appointed by the Appropriations Committee, and one member appointed by the Planning Board. The **Capital Planning** Committee shall choose its own officers, and in the event of a vacancy by removal, resignation or otherwise, the remaining **Capital Planning** Committee members shall have the power to fill the vacancy for the balance of that term.
- B. Duties.
 - (1) The Committee shall study and make recommendations **to the Selectboard and Town Meeting** with respect to proposed capital projects and improvements involving ~~major~~ nonrecurring tangible assets and projects which:
 - a. ~~Are purchased or undertaken at intervals of not less than five years;~~
 - a. ~~(b)~~ Have a useful life of at least five years; and
 - b. ~~(c)~~ Cost over \$25,000.

These recommendations shall also include recommended sources of funding, including grant funding, for each project. In the event that an opportunity arises to apply for a capital grant, or a grant has been awarded the Town Administrator or their designee will notify the Capital Planning Committee. The Grant funded project should be included in the Capital Plan.

- (2) The Capital Planning Committee ~~will on an annual basis request all departments or boards to update the "Five Year Plan" entries, to indicate completed projects, adjusted need, change of cost estimates or other related information.~~ **is responsible for approving a 5-Year Capital Plan, which will be updated on an annual basis. The Capital Plan will be available on the Town website. The Town Administrator at the direction of the Capital Planning Committee Chair or the Selectboard. The plan should be considered a "draft" by its very nature or designee shall provide a status report on a quarterly basis that includes changes to cost and new requests. The Capital Plan and any status reports will be available on the Town website.**
- (3) The Town Administrator or ~~his/her~~ **their** designee will **regularly attend Capital Planning Committee meetings**, assist and facilitate **with** the collection of material, attend other meetings when requested, and provide updates to **Capital Planning Committee, the Selectboard, Appropriations Committee, Town Meeting, or** and the public about projects or inquiries from the Capital Planning Committee.
- C. ~~Report to Selectboard Reporting.~~ **The Capital Planning Committee shall prepare submit a report to the Selectboard at least thirty (30) days prior to the Annual Town Meeting, recommending a Capital planning Budget for the next fiscal year and a capital planning program including recommended capital improvements for the following five fiscal years and an updated 5-Year Capital Plan. The Selectboard shall subsequently submit the report to the Town Meeting prior to any Annual Town Meeting or Special Town Meeting. The report shall be submitted to the Selectboard for its consideration and approval. The board shall submit its approved capital budget to the Annual Town Meeting for adoption by the Town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the committee's report or the committee shall have submitted a report to the Selectboard explaining the omission. If any capital project is requested for appropriation at a Special Town Meeting, a supplemental report will be submitted to the Selectboard by the Capital Planning Committee prior to a Special Town Meeting. In the event that the Capital Planning Committee and Selectboard do not agree on any aspect of the Capital Planning Committee's report, the Selectboard will provide an addendum to Town Meeting explaining their position.**
- D. Approval and implementation of report. Such capital planning report, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town **Meeting** through the appropriation of sums in the current year or in prior years or for preliminary planning for projects to be undertaken more than five years in the future. **In accordance with Mass General Law, nothing herein shall restrict the School Committee from approving an expenditure for a capital project out of a previously approved annual appropriation by Town Meeting. Notwithstanding, the School Committee is encouraged to notify the Town Administrator and Capital Planning Committee when such expenditures are being considered.**
- E. Report of recommendation to Town Meeting and residents. The Committee's report and the Selectboard's recommended capital budget shall be published and made available in a manner consistent with the distribution of the Town budget.

ARTICLE 23: COA BYLAW AMENDMENT**Article Passed. Majority Vote Required.****Recorded Vote: Yes – 83, No – 1, Abstain – 0, No Vote – 5**

The Town voted to amend Chapter 7 of the General Bylaws as follows (new text in **bold**; removed text ~~crossed out~~);

§ 7-4 Council on Aging.

- B. Membership and term. The Council on Aging shall consist of ~~44~~**49** members, a majority of whom shall be at least age 60. The term of appointment shall be three years. Members shall not serve more than two consecutive three-year terms, or more than seven consecutive years. Previous members shall become eligible for reappointment after one year of absence. Honorary members may be appointed by the Council in recognition of meritorious service to the Council.

ARTICLE 24: NUISANCE BYLAW AMENDMENT**Article Laid on the Table. 2/3 Vote Required to Table the Article.****Recorded Vote: Yes – 74, No – 9, Abstain – 1, No Vote – 5**

The article asked if the Town will vote to amend Chapter 179 of the General Bylaws as follows (new text in **bold**; removed text ~~crossed out~~);

§ 179-2. Unreasonable noise.

- A. It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary or unusually loud noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose, or the health and safety of others within the Town, including, without limitation:
1. The playing of any radio, phonograph, television set, amplified or musical instruments, loudspeakers, tape recorder, or other electronic sound-producing devices in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of any person;
 2. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the reasonable quiet, comfort or repose of any person;
 3. The use of any drum or other instrument or device of any kind for the purpose of attracting by the creation of noise, unless the person is a participant in a school band activity or duly authorized parade or has been otherwise authorized to engage in such activity by the Selectboard;
 4. The operation of vehicles, equipment, tools or machines used as a means of construction, maintenance, repair or demolition of a building
 5. Engine noise during or incidental to the repair of motor vehicles between 9:00 p.m. and 7:00 a.m. on commercial premises or at any time on residential premises.
 6. **Any source of sound that:**
 - (a) **increases the broadband sound level by more than 10 dB(A) above ambient; or**
 - (b) **produces a “pure tone” condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.**

- B. The foregoing restrictions shall not apply or be enforced against:
1. Emergency vehicles;
 2. Highway and utility maintenance and construction, necessary excavation in or repairs of bridges, streets or highways, or any public utility installation by or on behalf of the Town, any public utility or any agency of the Commonwealth of Massachusetts;
 3. Snow removal or street cleaning or maintenance of commercial parking lots;
 4. The reasonable use of amplifiers or loud speakers for public addresses, which are noncommercial in nature;
 5. Noise caused by agricultural, farm-related activities as defined by MGL c. 128, § 1A, as amended from time to time, including but not limited to the operation of farm equipment, harvesting equipment, noises from farm animals and the like;
 6. Noise caused by lawful hunting or other lawful discharge of firearms;
 7. Noise from activities that have been duly authorized by the Selectboard; and
 8. Organized sporting events on designated fields as sanctioned by the Town or sports organizations.

C. The Police, Health or Inspection Services Departments, or any designee thereof, shall have power to enforce this bylaw in accordance with Chapter 179, Section 179-5 of these General Bylaws. Any person who violates any provision of this bylaw, or who is the owner of property on which such violation occurs, shall be warned for the first violation, then fined \$100 for the second violation, and \$300 for the third and each subsequent violation.

~~§ 179-4 Property maintenance.~~

~~A. All property owners will be responsible to keep their property in a reasonable state of repair. Grass will be kept no higher than six inches; leaves, excessive grass clippings will be removed, composted or otherwise properly disposed of; damaged branches will be addressed; and other debris or litter will be eliminated from the property.~~

~~B. Violation of this bylaw may result in a fine of \$100 per day. The enforcement authority for this bylaw shall be the South Hadley Police Department or South Hadley Health Department.~~

~~§ 179-5-4 Discarded furniture.~~

~~A. Discarded furniture, mattresses, building material, appliances, electronic equipment or other surplus home goods will not be left on the curb or tree belt unless allowed or approved by the DPW for pickup.~~

~~B. Violation of this bylaw may result in a fine of \$100 per day. The enforcement authority for this bylaw shall be the South Hadley Police Department or South Hadley Health Department.~~

§ 179-5 Enforcement.

The enforcing person as each Section of Chapter 179 specifies shall enforce against violations of said sections by non-criminal disposition pursuant to the authority and procedure of G.L. c. 40, § 21D. Unless otherwise specified, fines for violations of Chapter 179 shall be warned for the first violation, then fined \$100 for the second violation, and \$300 for the third and each subsequent violation.

An amendment to the motion was made and seconded. The amendment failed with the following recorded vote: Yes – 23, No – 55, Abstain – 5, No Vote – 6.

The amendment sought to make changes as follows (new text in **bold**; removed text ~~crossed out~~); § 179-5-4 Discarded furniture.

B. Discarded ~~furniture~~, mattresses, ~~building material~~, **and** appliances, ~~electronic equipment or other surplus home goods~~ will not be left on the curb or tree belt unless allowed or approved by the DPW for pickup.

A second amendment to the main motion was made and seconded. The amendment passed with the following recorded majority vote: Yes – 45, No – 35, Abstain – 4, No Vote – 5.

The amendment sought to strike out the following:

6. Any source of sound that:

(a) increases the broadband sound level by more than 10 dB(A) above ambient; or

(b) produces a “pure tone” condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

A motion was then made to table the article until the next Town Meeting. The motion passed with the following recorded 2/3 vote: Yes – 74, No – 9, Abstain – 1, No Vote – 5.

ARTICLE 25: ENFORCEMENT BYLAW AMENDMENT

Article Passed. Majority Vote Required.

Recorded Vote: Yes – 64, No – 12, Abstain – 6, No Vote – 7

The Town voted to amend Chapter 46 of the General Bylaws as follows (new text in **bold**; removed text ~~crossed out~~);

§ 46-2 Enforcement by noncriminal disposition.

- A. Any bylaw of the Town of South Hadley or any rule or regulation of any Town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the Town official who is the appropriate enforcing person as defined in Section 46-1 above or in the requisite bylaw, rule, or regulation, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.**
- B. Without intending to limit the generality of the foregoing, bylaws, rules, and regulations that are included within the scope of this bylaw may provide specific penalties which shall apply for violations thereof.**
- C. Whoever violates any bylaw of the Town shall pay a fine for each offense as follows, unless any law, bylaw, rule, or regulation expressly provides some other penalty. Each day, or portion thereof, during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulation, permit, or administrative order violated shall constitute a separate offense. Violators shall be warned for the first violation, then fined \$100 for the second violation, and \$300 for the third and each subsequent violation.**

ARTICLE 26: MUNICIPAL LIEN CHARGE BYLAW AMENDMENT

Article Passed. Majority Vote Required.

Recorded Vote: Yes – 69, No – 13, Abstain – 1, No Vote – 6

The Town voted to adopt G.L. c 40, § 58, which allows the Town to place a lien on real property located within the Town for unpaid municipal charges and fees, by amending the Bylaws of the Town of South Hadley to replace Chapter 141 of said Bylaws with the following:

Chapter 141. Municipal Charges Lien.

§ 141-1 Authority.

This Chapter is adopted pursuant to the authority of M.G.L. c. 40, § 21 and M.G.L. c. 40, § 58, as amended, and any other relevant statutes and regulations promulgated pursuant thereto.

§ 141-2 Purpose and intent.

The purpose of this article is to establish a municipal charges lien program to provide a comprehensive and efficient method of collecting a charge and/or fee assessed against an owner of real property in the city who fails and/or refuses to pay said charge and/or fee when due, by placing a lien upon the real estate owned by the property owner.

§ 141-3 Applicability.

The municipal charges lien shall apply to the following municipal charges and/or fees:

- A. Charges or penalties for violations of the Bylaws of the Town of South Hadley, including interest and all costs to record said lien(s) in the Hampshire County Registry of Deeds.
- B. Charges or penalties for violations of the Town of South Hadley Zoning Bylaw, including interest and all costs to record said lien(s) in the Hampshire County Registry of Deeds.
- C. Charges or penalties for violations of the Massachusetts state sanitary codes, including interest and all costs to record said lien(s) in the Hampshire County Registry of Deeds.
- D. Charges or penalties for violations of the Massachusetts state building codes, including interest and all costs to record said lien(s) in the Hampshire County Registry of Deeds.
- E. Police detail charges and service fees.
- F. Curbside recycling fees and trash collection fees.
- G. Street excavation permit fees and charges.
- H. Landfill tipping fees.

§ 141-4 When effective.

The municipal charges lien will take effect upon the recording of a statement of unpaid municipal charges and fees, setting forth the amount due, including recording cost, and any administrative fee, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

§ 141-5 Collection of lien.

- A. The town clerk shall notify the issuing department head of all tickets that have been paid or appealed at the end of each month.
- B. The issuing department head shall prepare a statement of municipal charges liens for each person from the list(s) received from the town clerk and other records of unpaid charges, fees or penalties. The statement(s) of lien shall be recorded in the Hampshire County Registry of Deeds.

§ 141-6 Unpaid liens.

- A. If the charge or fee secured by the lien is unpaid when the assessors are preparing the real estate list and warrant, the board or officer in charge of the collection of the charge or fee or the tax collector shall certify the charge, fee or penalty to the assessors' department and the assessors shall add the charge, fee or penalty to the next property tax bill to which it relates, and commit it with the warrant to the tax collector as part of the tax.
- B. If the property to which the charge or fee relates is tax-exempt, the charge or fee shall be committed as a tax on said property.

§ 141-7 Release of lien.

The municipal charges lien may be discharged by the filing of a certificate from the tax collector that all municipal charges or fees constituting a lien, together with any interests and costs, have been paid or legally abated. All costs of recording or discharging a lien under this Chapter shall be borne by the owner of the property.

§ 141-8 Abatement.

The Selectboard, upon the written recommendation of the issuing department head, prior to a charge or fee being certified to the assessors by the tax collector, may abate any charge or fee for justifiable cause, which shall be effective upon the issuing of a written statement setting forth said cause, and filing of said statement with the tax collector.

ARTICLE 27: PETITION: ALLOW MULTIFAMILY IN BUSINESS A-1

Article Passed as Amended. Majority Vote Required.

Recorded Vote of Amended Article: Yes – 75, No – 5, Abstain – 2, No Vote – 7

An amendment to the main motion was made and seconded. The amendment passed with the following recorded vote: Yes – 71, No – 11, Abstain – 2, No Vote – 5.

The amendment sought to make changes as follows (new text in **bold**; removed text ~~crossed-out~~);

§ 255-51 Multifamily Residential Development in Business A-1 zoning district

B. Moratorium on submittal of Applications until ~~March 1, 2024~~ **June 1, 2025**

- (1) To provide the Planning Board with reasonable and sufficient time to develop and adopt a separate Design Review process and associated rules and regulations as provided for in § 255-51(4)(b), no application for Site Plan Review under this § 255-51 is to be submitted or considered prior to ~~March 1, 2025~~ **June 1, 2025**.
- (2) Whether or not the Planning Board has adopted a relevant Design Review process and associated rules and regulations pursuant to § 255-51(4)(b), after ~~March 1, 2025~~ **June 1, 2025**, submission of, processing of, and taking action upon Site Plans submitted under this § 255-51 shall proceed absent Design Review, but compliant with all standards specified in this § 255-51.

The Town voted to amend the Zoning Bylaw to allow multifamily residences within the Business A-1 Zoning District through amending the following: Chapter 255-10 (Terms Defined); the Zoning Use Regulations Schedule; and Article VII Supplemental District Regulations by inserting a new section "255-52 Multifamily Residential Development in Business A-1 Zoning District", as further articulated in the Planning Board's Report to Town Meeting with the amended dates.

ARTICLE 28: PETITION: PLANNING BOARD HYBRID MEETINGS

Article Passed. Majority Vote Required.

Recorded Vote: Yes – 74, No – 6, Abstain – 2, No Vote – 7

The Town voted to recommend the Planning Board change their meeting format from virtual-only to hybrid.

Meeting adjourned by voice vote at 9:52 P.M.

A TRUE COPY ATTEST:



Sarah B. Gmeiner, Town Clerk